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5 Attorney for Defendant

6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,
11 Plaintiff,

vs.

12 FRANK GEMBECK, JR.,

Defendant

13) Case No.: CR08-00076-JW
14)
15) STIPULATION TO WITHDRAW
16) STIPULATION/MOTION TO CONTINUE
17) STATUS HEARING FROM SEPTEMBER
18) 15, 2008 TO SEPTEMBER 22, 2008 AND TO
19) RESET TO SEPTEMBER 15, 2008 at 1:30
20) PM
21)
22)
23)

24 On or about August 26, 2008 Defendant and the government filed a Stipulation
25 requesting a continuance of the status hearing in this case scheduled for September 15, 2008 at
1:30 pm until September 22, 2008 at 1:30 pm due to the unavailability of defense counsel.

18 This stipulation is still pending.

19 In the meantime, the United States District Court for the Central District of California
20 before whom defense counsel was previously scheduled for sentencing on September 15 has *sua
21 sponte* rescheduled the sentencing until September 22, 2008. Hence, defense counsel is not
22 unavailable on September 22 and wishes to have the status hearing remain on the previously
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1 scheduled date of September 15, 2008 at 1:30 pm.

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LAW OFFICES OF ALAN ELLIS

BY: /s/
ALAN ELLIS
Attorney for Defendant

UNITED STATES OF AMERICA

BY: /s/
RICHARD CHENG
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) Case No.: CR08-00076-JW
Plaintiff,)
vs.)
FRANK GEMBECK, JR.,)
Defendant)

It is hereby ordered that the status conference scheduled for 1:30 pm on September 15 remain on that date at 1:30 pm.

BY THE COURT:

J.